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Docket No. 12969

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bitler

Group Art Unit: 1714

5 Serial No.: 09/398,377

Examiner: Peter Szekely

Filing Date: Sept. 17, 1999

Title: Polymeric Thickeners for Oil-containing Compositions

Mail Stop Amendment, Commissioner for Patents

10 P.O. Box 1450, Alexandria, VA 22313-1450

REPLY

INTRODUCTORY COMMENTS

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This paper is a reply to the Office Action mailed July 1, 2004. Please extend the term for reply by two months, i.e. to December 1, 2004. Reconsideration, reexamination and allowance of this application are requested in view of the Amendments and Remarks below and the Terminal Disclaimer attached hereto.

20 Authorization to pay the fees for the extension and for the Terminal Disclaimer is attached.

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

11/30/2004 JBALINAN 00000056 192090 09398377

03 FC:2255

215.00 DA

A personal interview took place between SPE Jagannathan, Examiner Szekely and the undersigned on November 1, 2004. The Interview Summary prepared by SPE Jagannathan is correct, but the following additional comments are needed to record the substance of the interview.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 On November 24, 2004

Typed name of person signing this certificate: T. H. P. Richardson
Signature

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01 FC:2201
02 FC:2202

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297.00 DA

At the beginning of the interview, the undersigned explained paragraph 6 of the Declaration by Dr. Bitler, which states, with accompanying rationale, that in Mueller "the presence of the additive makes the composition thinner, not thicker". Examiner Szekely
5 stated that he knew, from his own knowledge and firsthand experience, that the effect of adding a pour point depressant to an oil was to increase the viscosity of the oil. SPE Jagannathan stated that since Mueller disclosed additives within the scope of the claims and the use of those additives in a concentration range overlapping the concentration range used by Applicant, Dr. Bitler's evidence did not overcome the rejection. The
10 undersigned pointed out that the claims require that the additive is present in an amount sufficient to thicken the oil, which is contrary to Mueller's teaching. SPE Jagannathan did not agree that this was important.

Examiner Szekely then referred to a new document , French patent No.
15 2,131,111, which is in the French language, and an abstract thereof in the English language. Examiner Szekely stated that this new document provided support for his position, and indicated that if Applicant argued for the patentability of claims now rejected under 35 USC 102 and/or 103, this new document would be used as a reference in a further rejection of those claims. The accompanying IDS refers to the
20 new document in question.

SPE Jagannathan and Examiner Szekely agreed that, if the claims were restricted to the claims which were not rejected under 35 USC 102 and/or 103, the application would be allowed (no reference was made to the provisional rejection of all
25 the claims for double patenting).

Amendments to the specification begin on page 3 of this Reply.

Amendments to the claims begin on page 5 of this Reply

Remarks/arguments begin on page 19 of this Reply.